
Local Government & Housing Committee

HB 1736

Brief Description: Limiting the period of time in which level of service standards for local transportation facilities may be used to prohibit development under local comprehensive plans.

Sponsors: Representatives Takko and Short.

Brief Summary of Bill

- Establishes a one-time 24-month limit for prohibitions of development approvals for proposals that will cause the level of service (LOS) on a transportation facility to fall below locally adopted standards.
- Specifies that after the prohibition period ends, the jurisdiction must make a decision on the development application, and may not deny the application based upon the proposal's impact on the LOS for a transportation facility.
- Specifies that a developer's contribution to transportation improvements or strategies to accommodate the impacts of development are limited to mitigation that is consistent with provisions of the State Environmental Policy Act and excise tax requirements.

Hearing Date: 2/11/09

Staff: Ethan Moreno (786-7386)

Background:

Growth Management Act.

The Growth Management Act (GMA or Act) is the comprehensive land use planning framework for county and city governments in Washington. Enacted in 1990 and 1991, the GMA establishes numerous requirements for local governments obligated by mandate or choice to fully plan under the Act (planning jurisdictions) and a reduced number of directives for all other

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counties and cities. Twenty-nine of Washington's 39 counties, and the cities within those counties, are planning jurisdictions.

The GMA directs planning jurisdictions to adopt internally consistent comprehensive land use plans that are generalized, coordinated land use policy statements of the governing body. Comprehensive plans must address specified planning elements, including housing, and transportation, each of which is a subset of a comprehensive plan. Comprehensive plans must be coordinated and consistent with those of other counties and cities with which the county or city has common borders or related regional issues. The implementation of comprehensive plans occurs through development regulations mandated by the GMA.

The transportation element of a comprehensive plan must include sub-elements that address transportation mandates for forecasting, finance, coordination, and facilities and services needs. A provision of the sub-element for facilities and services needs requires planning jurisdictions to adopt level of service (LOS) standards for all locally-owned arterials and transit routes.

Planning jurisdictions must adopt and enforce ordinances prohibiting development approval if the proposed development will cause the LOS on a locally-owned transportation facility to decline below standards adopted in the transportation element. Exemptions to this "concurrency" prohibition may be made if improvements or strategies to accommodate development impacts are made concurrent with the development. These strategies may include:

- increased public transportation service;
- ride sharing programs;
- demand management; and
- other transportation systems management strategies.

"Concurrent with the development" means improvements or strategies that are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

Transportation elements may also include, in addition to improvements or strategies to accommodate the impacts of development authorized under the GMA, multimodal transportation improvements or strategies that are made concurrent with the development.

State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify possible environmental impacts that may result from governmental decisions, including the issuance of permits or the adoption of or amendment to land use plans and regulations. Any governmental action may be conditioned or denied pursuant to the SEPA, provided the conditions or denials are based upon policies identified by the appropriate governmental authority and incorporated into formally designated regulations, plans, or codes.

Development Fees - Limits and Authority.

With some exemptions, counties, cities, towns, and other municipal corporations are prohibited from imposing any tax, fee, or charge, either direct or indirect, on the development, subdivision,

classification, or reclassification of land. This prohibition, however, does not disallow counties, cities, towns, or other municipal corporations from collecting certain excise taxes and reasonable fees for a permit or other governmental approval to cover the costs of processing applications, inspecting and reviewing plans, or preparing detailed statements required by the SEPA.

Summary of Bill:

Planning jurisdictions may prohibit the approval of a specific development under the concurrency provisions of the GMA for a single prohibition period of 24 or fewer months from the time the jurisdictions determines that the proposed development will cause the LOS for a transportation facility to fall below standards adopted in the transportation element.

After this prohibition period ends, the jurisdiction must make a decision on the development application, and may not deny the application based upon the proposal's impact on the LOS for a transportation facility.

A developer's contribution to transportation improvements or strategies to accommodate the impacts of development are limited to mitigation that is consistent with provisions of the SEPA and excise tax requirements.

Appropriation: None.

Fiscal Note: Requested February 9, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.